

# THE KERALA STATE INFORMATION COMMISSION

## (PROCEDURE FOR APPEAL) RULES, 2006

S. R. O. No. 412/2006 - In exercise of the powers conferred by clauses (c) and (f) of sub-section (2) of section 27 of the Right to Information Act 2005 (Central Act 22 of 2005) read with sub-section 10 of section 19 thereof, the Government of Kerala hereby make the following rules, namely:-

1. *Short title and commencement* - (1) These rules may be called the Kerala State Information Commission (Procedure for Appeal) Rules, 2006.  
(2) They shall come into force at once.
2. *Definitions*:- (1) In these rules unless the context otherwise requires-  
(a) 'Act' means the right to Information Act, 2005 (Central Act 22 of 2005);  
(b) 'Commission' means the Kerala State Information Commission;  
(c) 'Section' means a section of the Act;  
(2) All other words and expressions used in these rules and not defined, but defined in the Act shall have the meanings, respectively, assigned to them in the Act.
3. *Appeals*- Every appeal to the Commission shall be submitted either in the Form appended to these rules or in any other format containing the particulars mentioned in the aforesaid Form.
4. *Documents to accompany the appeal* - Every appeal shall be accompanied by the following documents, namely:-  
(i) self attest copies of the orders or documents against which the appeal is being preferred;  
(ii) copies of documents relied upon by the appellant and referred to in the appeal; and  
(iii) an index of the documents referred to in the appeal.
5. *Procedure in deciding appeal*. - In deciding an appeal, the Commission may:-  
(i) take oral or written evidence on oath or on affidavit from the concerned or interested persons;  
(ii) peruse or inspect documents, public records or copies thereof;  
(iii) inquire through authorised Officer, to gather further details or facts;  
(iv) hear the State Assistant Public Information Officer or State Public Information Officer or such Senior Officer who had decided the first appeal or such person against whom the appeal is made, as the case may be,  
(v) hear the third party;  
(vi) receive evidence on affidavits from State Assistant Public Information Officer, State Public Information Officer, such Senior Officer who decided the first appeal or the third party.
6. *Service of notice by Commission* - Notice issued by the Commission may be served in any of the following modes:-

- (i) service to the party itself;
  - (ii) by hand delivery;
  - (iii) by registered post with acknowledgement due;
  - (iv) through Head of Office or Department or Institution;
  - (v) through electronic media.
7. **Personal presence of the appellant:-** (1) The appellant shall, in every case, be informed of the date of hearing, at least seven clear days before the date.
- (2) The appellant may at his discretion be present in person, or through his duly authorised representative or may opt not to be present, at the time of hearing of the appeal by the Commission.
- (3) Where the Commission is satisfied that circumstance exist due to which the appellant who opted to the present before the Commission was prevented from attending the hearing of the Commission, then the Commission may afford the appellant another opportunity of being heard, before a final decision is taken or take any other appropriate action; as it may deem fit.
- (4) The appellant may seek the assistance of any person in the process of the appeal, while presenting his or her points and the person representing him or her need not be a legal practitioner.
8. **Order of the Commission:-** Order of the Commission shall be pronounced in open proceedings, and be in writing, duly authenticated by the Secretary to the Commission or any other Officer authorised by the Commission, for this purpose.

### Appendix FORM (See rule 3)

- From \_\_\_\_\_  
Name and address of the Appellant.
- To \_\_\_\_\_  
The State Chief Information Commissioner  
Kerala State Information Commission,  
.....  
.....
1. Date of submission of Application to State Assistant Public Information Officer/ State Public Information Officer.
  2. Date of submission of appeal to Appellate Authority (First appeal).
  3. Particulars of informations sought (Specify the nature, category and the year to which the information relates)
  4. Name of Office / Department concerned with the information.
  5. Particulars, of the disposal of application by the State Public Information Officer.
  6. Particulars of the disposal of first appeal by the Appellate Authority against which the appeal is preferred (Attach the copy of the communication also).
  7. Date of receipt of the decision / order of the Appellate Authority (if decision/order passed).
  8. Last date for filing appeal.
  9. Brief facts leading to the appeal.
  10. Other relevant information if any, they may deem necessary for deciding the appeal.

Place \_\_\_\_\_ Date : \_\_\_\_\_ Signature of Appellant